

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
November 4, 2008

The City Council convened in Regular Session on Tuesday, November 4, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46950

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS

The President of the Council Jerry Reese announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. CU-26-08. (Porlier Outdoor Advertising). The applicant is requesting approval of a conditional use permit from Section 156.743 (Billboards) within the C-2 General Business District for the construction of a digital billboard on Lot 26 of Little Hills Industrial Park, also known as 521 Little Hills Industrial Boulevard. The lot is located north of Highway 370 and just west of North Highway 94. The subject property is 0.38 acres and is located in Ward One. ***(Tabled by Planning & Zoning Commission; therefore the Public Hearing should be tabled until December 2, 2008)***
- B. Case No. CU-27-08. (Porlier Outdoor Advertising). The applicant is requesting approval of a conditional use permit from Section 156.743 (Billboards) within the C-3 Highway Business District for the construction of a digital billboard on part of Lot 36, Block 6 of Steen & Cunningham's Subdivision, also known as 1805 Veterans Memorial Parkway. The subject property is 0.76 acres and is located in Ward Three. ***(Tabled by Planning & Zoning Commission; therefore the Public Hearing should be tabled until December 2, 2008)***
- C. Case No. CU-28-08. (Midwest Dream Homes, LLC). The applicant is requesting approval of a conditional use permit from Section 156.040(C)(9) within the FHCD Frenchtown Historic Commercial District for the use of two existing structures as a multi-family residential complex (3 units in main building, 2 units in rear building) at 1425 North Second Street. The subject property is 0.17 acres and is located in Ward One. ***(RCA Attached)***
- D. Case No. CU-29-08. (Bass Pro Shops) An application for a conditional use permit for temporary retail sales from November 21st through December 2nd, 2008. The Applicant proposes to conduct retail sales in the parking lot adjacent to the outdoor display area at 1365 S. Fifth Street within the PD-C Planned

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- Development-Commercial District. The subject property is 3.75 acres and is located in Ward Two. ***(RCA Attached)***
- E. Case No. CU-30-08. (Big St. Charles Motorsports, LLC) An application for a conditional use permit for automotive sales, display and repair, specifically relative to motorcycles, ATV's, etc, from Section 156.034(C)(1)(a) at 3830 West Clay Street in the C-3 Highway Business District. The subject property is 4.96 acres and is located in Ward Six. ***(Tabled by Planning & Zoning Commission; therefore the Public Hearing should be tabled until December 2, 2008)***
- F. Case No. CU-31-08. (OOS Investments). The applicant is requesting approval of a conditional use permit from Section 156.743 (Billboards) within the C-2 General Business District for the construction of a digital billboard at 1410 South Fifth Street. The subject property is 5.01 acres and is located in Ward Two. ***(Tabled by Planning & Zoning Commission until December 2008; therefore the Public Hearing should be tabled until January 6, 2009)***
- G. Case No. Z-14-08. (Mike Myers) An application to rezone a tract of land within the City of St. Charles. The property is located at 2410 North Eighth Street, otherwise known as Parcel Id: 6-006A-4431-0K-57. The applicant is requesting to rezone the tract of land from the R-1E Single Family Residential to R-2 Two-Family Residential District. The tract of land is approximately 0.12 acres in size and is located in Ward One. ***(Application was withdrawn by Applicant)***
- H.. Case No. DR-09-08. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.107 (Parking and Storage of Boats, Trailers, Camper Shells, and Recreational Vehicles on Residential Property and City Streets) relative to parking in the front yard and permit requirements. ***(Council Bill 9795)***

RESOLUTIONS/AWARDS/PROCLAMATIONS

A Resolution Authorizing the City of Saint Charles, Missouri to Apply To the Missouri Department of Economic Development for Funding Under the Neighborhood Stabilization Program *(Sponsor: Jerry Reese)*

Community Development Director Bruce Evans provided an overview of the Neighborhood Stabilization Program. The following information was requested by Councilmembers: 1) data on number of foreclosed homes in cities within St. Charles County; and 2) if available, a list of the foreclosed homes within the City which are vacant. A roll call vote was taken on the Resolution, with the following results:

Passed “Aye”: Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench

“Nay”: None

Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Resolution R08-32**

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BILLS FOR FINAL PASSAGE

Bill 9781 (*Substitute Bill No. 1*) (*Held*)

An Ordinance Authorizing an Agreement to Terminate the Contract with St. Charles County for the Use of St. Charles County Transportation Sales Tax Funds for Improvements to Droste Road (*Sponsors: Ron Stivison and Bob Kneemiller*)

Sponsors Ron Stivison and Bob Kneemiller held Council Bill 9781, upon the request of Mayor Patricia M. York.

Bill 9783 (*Substitute Bill No. 1*)

An Ordinance Authorizing an Agreement to Terminate the Contract with St. Charles County for the Use of St. Charles County Transportation Sales Tax Funds for Improvements to Boschertown Road (*Sponsor: Michael Klinghammer*)

Passed "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese

"Nay": None

Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-229**

Bill 9785

An Ordinance Approving the Record Plat for Amended Plat of Benne Building No. 1 Sunnybrook Park Plat 4, Pt. Lot A, a Subdivision in the City of St. Charles, Missouri (*Sponsor: Erv Ermeling*)

Passed "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese

"Nay": None

Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-231**

Bill 9786

An Ordinance Approving the Record Plat for Lots 1 and 2 of City Block No. 92, a Subdivision in the City of St. Charles, Missouri (*Sponsors: Larry Muench and Richard Veit*)

Passed "Aye": Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese

"Nay": None

Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-230**

Bill 9787

An Ordinance Authorizing a Contract with Pundmann Ford for the Purchase of Nine (9) 2009 Ford Crown Victoria Police Interceptor Vehicles for the Police Department in an Amount Not to Exceed \$212,139.00 (*Sponsor: Jerry E. Reese*)

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Councilmember Erv Ermeling requested that Police Chief Dennis Corley provide the Council with a list of the number of vehicles which are additions to the Police Department Fleet and the number of vehicles which are replacement vehicles. A separate vote was taken on Council Bill 9787, with the following results:

Passed “Aye”: Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer,
Kneemiller, Muench, Reese, and Veit
“Nay”: None
Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-232**

Bill 9788

An Ordinance Repealing Ordinance 07-295 and Enacting a New Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Christian Fellowship Center, Inc. (420 Hemsath Road) *(Sponsor: Laurie Feldman)*

Passed “Aye”: Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer,
Kneemiller, Muench, and Reese
“Nay”: None
Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-233**

Bill 9789

An Ordinance Authorizing a Contract with Fred M. Luth & Sons, Inc. for the Construction of the Houston and Waverly Sanitary Sewer Project in an Amount Not to Exceed \$118,523.00 (*Sponsors: Richard Veit and Michael Klinghammer*)

Passed “Aye”: Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-234**

Bill 9790

An Ordinance Authorizing an Engineering Services Contract with Jacobs Engineering Group, Inc. for the Design, Bidding & Construction Management Services for the Upgrading of the Elm Point Water Treatment Plant in an Amount Not to Exceed \$592,400.00 (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer,
Kneemiller, Muench, and Reese
“Nay”: None
Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-235**

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Bill 9791

An Ordinance Authorizing Acceptance of Water and Sanitary Sewer Utilities and Their Appurtenances at Bogey Club Phase 2 and Release of Security (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-236**

Bill 9792

An Ordinance Authorizing Acceptance of Sanitary Sewer Utilities and Their Appurtenances at Enterprise Leasing (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-237**

Bill 9793

An Ordinance Authorizing a Contract with Earth City Salt Depot for the Purchase of 1,000 Tons of Road Salt for the 2008-2009 Winter Season in an Amount Not to Exceed \$110,000.00 (*Sponsor: Jerry E. Reese*)

Passed “Aye”: Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-238**

Bill 9794 (Supplemental RCA)

An Ordinance Authorizing a Contract with Coe Equipment Company for the Purchase of One (1) 2009 Vactor 2112-J6 Catch Basin/Sewer Cleaning Unit Mounted on an International 7400 SBA 6 x 4, 66,000 lb. G.V.W.R. Tandem-Axle Chassis in an Amount Not to Exceed \$289,522.00 (*Sponsor: Michael Klinghammer*)

Public Works Director Debra Aylsworth responded to an inquiry of Councilmember Richard Veit that the proposed vacuum/flush truck which assists Staff in cleaning sanitary sewer and storm sewer infrastructure. A separate vote was taken on Council Bill 9794, with the following results:

Passed “Aye”: Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, and Veit
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on November 7, 2008, and is known as **Ordinance 08-239**

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BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9795

An Ordinance Amending Section 156.107 of the Code of Ordinances Pertaining to Parking and Storage of Boats, Trailers, Camper Shell and Recreational Vehicles on Residential Property and City Streets (*Sponsors: Dave Beckering and Larry Muench*)

Bill 9796

An Ordinance Approving the Record Plat for East Hiram Street Condominiums Plat Six, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9797

An Ordinance Approving the Record Plat for Boys and Girls Club Subdivision, a Subdivision in the City of St. Charles, Missouri (*Sponsor: Richard Veit*)

Bill 9798

An Ordinance Authorizing an Agreement Between the City of St. Charles and Bridgeway Counseling Services, Inc. for Disbursement of Emergency Shelter Grant Funds Issued from the State of Missouri Division of Family Services for Federal Fiscal Year April 1, 2008 Through March 31, 2009 (*Sponsor: Jerry Reese*)

Councilmember Laurie Feldman requested that her name be added as a Sponsor.

Bill 9799

An Ordinance Authorizing a Membership Agreement Between the Eastern Missouri Law Enforcement Training Academy and the City of St. Charles to Provide Classes and Training in Accordance with Standards Established by the Missouri Peace Officers Standards and Training Commission (*Sponsor: Jerry Reese*)

Bill 9800 (*Amended Prior to Introduction*)

An Ordinance Amending Section 40.18 of the Code of Ordinances Relating to Competitive Bidding Requirements (*Sponsor: Bob Kneemiller*)

A motion was made by BOB KNEEMILLER to amend Council Bill 9800 to reduce the number of written bids for purchases between \$10,000 and \$30,000 to "at least three written bids" in lieu of five written bids. LAURIE FELDMAN seconded the motion. All voted in favor, motion passed.

Bill 9801

An Ordinance Authorizing a Contract with Group Health Plan (GHP) to Provide a Self-Funded Medical Insurance and Prescription Drug Program to the Mayor, Council, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses from February 1, 2009 Through January 31, 2010 in an Amount Not to Exceed \$511,790.00 (*Sponsor: Jerry Reese*)

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Bill 9802

An Ordinance Authorizing the Issuance, Sale and Delivery of Not to Exceed \$2,100,000 City of Saint Charles, Missouri Neighborhood Improvement District Limited General Obligation Bonds (New Town at St. Charles Phase Ten Infrastructure Project – Phase Ten-A Improvements) Series 2008; Prescribing the Form and Details of Said Bonds and the Covenants and Agreements Made by the City to Facilitate and Protect the Payment Thereof; and Authorizing Certain Other Documents and Actions and Prescribing Other Matters Relating Thereto *(Sponsor: Michael Klinghammer)*

Bill 9803

An Ordinance Approving a Petition Requesting the Formation of The Fountain Lakes Commerce Center South Community Improvement District; Establishing the District as a Political Subdivision of the State of Missouri; and Directing the City Clerk to Notify the Missouri Department of Economic Development of the Creation of the District
(Sponsor: Michael Klinghammer)

CONSENT AGENDA

Councilmember Michael Klinghammer removed *Item 8.B.2.c.ii Recommendation of Councilmember Michael Klinghammer to Follow Section 73.22 of the City Code Which Prohibits Parking Upon any Street where the Width of the Roadway does not Exceed 20 Feet Made at the Street Committee Meeting of October 14, 2008* be removed from the Consent Agenda. A motion was made by DAVE BECKERING to receive and approve the Consent Agenda. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: “Aye”: Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller. “Nay”: None. Absent: None. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of October 21, 2008

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. Community Freedom Center Oversight Committee Meeting of September 29, 2008

File #46951

- b. Community Freedom Center Oversight Committee Meeting of October 6, 2008

File #46951

- c. Community Freedom Center Oversight Committee Meeting of October 13, 2008

File #46951

- d. Street Committee Meeting of October 14, 2008

File #46775

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- File #46725 e. Council Work Session of October 14, 2008
- File #46725 f. Council Work Session of October 21, 2008
2. Approval of Council Committee Motions/Actions/Recommendations
- a. Community Freedom Center Oversight Committee Meeting of September 29, 2008
- i. Motion to Invite McCarthy Construction and SM Wilson for Interviews
- b. Community Freedom Center Oversight Committee Meeting of October 6, 2008
- i. Motion to Invite Hastings & Chivetta and Cannon Design for Interviews
- c. Street Committee Meeting of October 14, 2008
- i. Recommendation of Councilmember Michael Klinghammer to Follow Section 73.22 of the City Code Which Prohibits Parking Upon any Street where the Width of the Roadway does not Exceed 20 Feet
- REMOVED FROM THE CONSENT AGENDA
- ii. Motion to Deny the Request for a Multi-Way Stop at Sixth Street and Water Street; and that the Intersection Remain a One-Way Stop with Westbound Water Street Stopping for Sixth Street
- d. Council Work Session of October 14, 2008
- i. Motion that the \$30,000 in FY 2009 in CIP Line Item *CD-4 Riverfront Infrastructure Improvements* be used for the Recreational Pier Project and/or the Restroom Project in Frontier Park
- ii. Motion to have Staff Reflect Receipt of Grant Funding in the Appropriate Fiscal Year for CIP Line Item *SG-8 Traffic Signal-Little Hills Expressway/Boschertown Road*
- C. Receipt of Reports from Boards, Commissions or Committees
1. Board of Public Works Meeting of September 22, 2008
- a. Motion to Recommend Approval to Enter into a Renewal Contract with Asphaltic Maintenance for Asphalt Pavement Repairs for the Water Division in an Amount not to Exceed \$50,000
- b. Motion to Recommend Waiving the Water and Sewer Tap Fees for the St. Charles School District Maintenance Building
- File #46765
2. Fair Housing Commission Meeting of July 17, 2008
- File #46882

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| File #46862 | 3. | Citizens with Disabilities Advisory Board Meeting of August 27, 2008 |
| File #46862 | 4. | Citizens with Disabilities Advisory Board Meeting of September 24, 2008 |
| | 5. | St. Charles Senior Citizens Advisory Commission Meeting of September 16, 2008 |
| | a. | Motion to Invite Carl Herr from the Parks Department to Give an Overview of the Up-Coming Trips |
| | b. | Motion to invite Cynthia Davis, State Representative from O'Fallon, to Speak at the December 16, 2008, Meeting |
| File #46761 | | |
| | 6. | St. Charles Park & Recreation Board Work Session Meeting of October 1, 2008 |
| File #46760 | | |
| File #46779 | 7. | Landmarks Board Meeting of September 15, 2008 |
| | 8. | July 4 th Celebration Committee Riverfest 2008 of September 10, 2008 |
| | a. | Motion to Roll Over the Balance of the Funds from 2008 into the 2009 Celebration |
| | b. | Motion to Cap the Amount for the Soda Vendor at \$12,000 in Order to Expedite Payment |
| | c. | Motion to have a Contest for the most Patriotic Booth |
| File #46764 | | |
| | 9. | Greater St. Charles Convention & Visitors Commission Meeting of September 25, 2008 |
| | a. | Motion to Approve the August Financial Report |
| | b. | Approval of Advertising/Public Relation Contracts: |
| | i. | Association News Director Listing |
| | ii. | KDNL-TV 9/22/08 through 11/16/08 |
| File #46808 | | |
| | D. | Receipt of Reports of the Director of Administration |
| | 1. | Notice of Emergency Purchase |
| File #46711 | | |
| | E. | Approval of Contracts and Easements from \$30,001 - \$99,999 |
| | 1. | Contract with Higbee Associates for Classification and Compensation Study in an Amount not to Exceed \$69,750.00 |
| File #46952 | | |
| | 2. | Contract with Gerstner Electric, Inc. for the Muegge Road and Old Highway 94 South Traffic Improvements Project in an Amount not to Exceed \$35,451.00 |
| File #46953 | | |

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3. Contract with South Main Preservation Society for Christmas Traditions
in an Amount not to Exceed \$57,500.00
File #46954
4. Amendment No. 1 to the Sprint Solutions Inc. Contract for Cellular
Service for the Police Department in an Additional Amount of \$2,077.62;
Total Contract Amount not to Exceed \$81,277.61
File #46955
- F. Preliminary Plats
None
- G. Miscellaneous
1. Approval of Liquor License Application for Thomas Jorgensen dba
Pizza Hut Located at 3793 New Town Blvd.
File #46710
2. Street Status Report
File #46853

ITEMS REMOVED FROM CONSENT AGENDA

Item 8.B.2.c.ii. Recommendation of Councilmember Michael Klinghammer to Follow
Section 73.22 of the City Code Which Prohibits Parking Upon any Street where the
Width of the Roadway does not Exceed 20 Feet Made at the Street Committee Meeting
of October 14, 2008

Councilmember Michael Klinghammer requested that the recommendation to follow Section 73.22 of the City Code which prohibits parking upon any street where the width of the roadway does not exceed 20 feet be referred to the Street Committee Meeting scheduled for November 18, 2008.

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

Veterans Day Memorial Service. The Honorable Mayor Patricia M. York announced that the Annual Veterans Day Memorial Service is scheduled for November 11, 2008, at 11:00 a.m. at the Historic Courthouse at 3rd & Jefferson Streets.

Election Day. The Honorable Mayor Patricia M. York thanked the residents for voting today.

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ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Suggested Changes to the Department Project Status Reports

Councilmember Bob Kneemiller requested that the following items be included on the status reports: 1) the date that the funding was approved; and 2) whether there was any shortfalls on the projects. Councilmember Kneemiller also requested that the Council receive a paper copy of the report on a monthly basis.

Discussion Relative to the Wall Around the Statue at Second and Clark

Councilmember Bob Kneemiller held this item at this time.

Written and/or Verbal Messages from the Councilmembers

Video Streaming. Councilmember Bob Kneemiller announced that video streaming of the Council Meetings is available on the City's website.

The Regular Council Meeting was adjourned at 7:43 p.m.

December 2, 2008
Date Approved

Mariya K. McCoy
City Clerk

Jerry Reese
Jerry Reese, Presiding Officer